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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,701	02/18/2004	Giancarlo Lanfredi	38767/GM/cd	9543

7590 02/27/2007
MODIANO & ASSOCIATI
Via Meravigli 16
Milano, 20123
ITALY

EXAMINER

HAMO, PATRICK

ART UNIT	PAPER NUMBER
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3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/779,701

Applicant(s)

LANFREDI, GIANCARLO

Examiner

Patrick Hamo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10 Sep 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 3 of claim 1, applicant claims that fixing elements are formed monolithically with the casing, however the fixing elements are described in the disclosure to be constituted by threaded bores 27 or that they are simply holes. As understood by the Office, holes are not composed of a material but are an absence of material and therefore cannot be formed "monolithically" as "monolithically" means to be formed of the same material, usually stone. Therefore, claim 1 and all claims dependent therefrom are found to be indefinite. For purposes of examination, the Office interprets the claimed limitation as fixing elements formed directly in the casing as shown in fig. 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Siegel et al., 6,499,970.

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Siegel discloses a hydraulic piston pump 18 and an electric motor 20 with an output shaft for driving the pump (col. 4, ll. 35-41), the pump comprising an outer casing or housing 30, and fixing elements formed to fix the casing to the motor in the form of threaded screw 60, opening 44 in the motor assembly, through hole 46, and threaded holes 50 on the housing complementary to each other and arranged in a row along the periphery of the housing parallel to the rotation axis of the electric motor to receive threaded screw 60, so that the electric motor is coupled directly to the housing (fig. 3). As a stator assembly simply constitutes the non-rotating part of a motor, it is inherent that the shaft 64 of screw 60 goes through the non-rotating stator of motor 20.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hani et al., 5,215,443 in view of Siegel and further in view of Cook et al., 6,257,843.

Hani discloses a hydraulic pump comprising an oscillating swash plate 3 with a disk shaped body that has a toothed circumferential portion 30 with the output shaft 6 of an electric motor keyed directly to a casing (fig. 3) made of plastic (col. 6, ll. 39-49) and the head of the shaft being provided with a toothed pinion 60 that meshes with the toothed circumferential portion of the swash plate (fig. 3).

However, Hani does not disclose the following claimed limitations taught by Siegel and as discussed above: a hydraulic piston pump 18 and an electric motor 20 with an output shaft for driving the pump (col. 4, ll. 35-41), the pump comprising an outer casing or housing 30, and fixing elements formed to fix the casing to the motor in the form of threaded screw 60, opening 44 in the motor assembly, through hole 46, and threaded holes 50 on the housing complementary to each other and arranged in a row along the periphery of the housing parallel to the rotation axis of the electric motor to receive threaded screw 60, so that the electric motor is coupled directly to the housing (fig. 3) in order to reduce the number of component pieces required in fixing the pump (col. 1, ll. 39-41). As a stator assembly simply constitutes the non-rotating part of a motor, it is obvious that the shaft 64 of screw 60 goes through the non-rotating stator of motor 20.

Neither Hani nor Siegel teach the following claimed limitations taught by Cook: the fixing elements comprise threaded holes 17' and 18' formed in the stator assembly, where the stator assembly is again the non-rotating part of the motor, for receiving a threaded element in order to provide a self-aligning system for the pump-motor combination (col. 1, ll. 18-23).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Hani with Siegel in order to reduce the number of components required in fixing the pump to the motor (Siegel, col. 1, ll. 39-41) and with Cook in order to better align the pump-motor combination (Cook, col. 1, ll. 18-23).

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Hamo whose telephone number is 571-272-3492. The examiner can normally be reached on M-F 8:30-5.

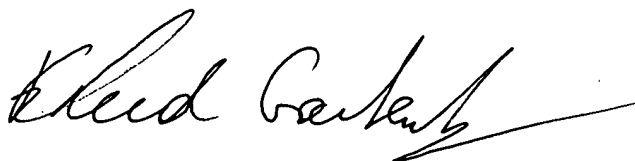
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EHUD GARTENBERG
SUPERVISORY PATENT EXAMINER